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 CONSUMER LAW CENTER, INC.  
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Balám O. Letona (SBN 229642)  
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Attorneys for Plaintiff  
 CARLOS H. PEREZ

**UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION**

CARLOS H. PEREZ, individually and on  
 behalf of the general public,

Plaintiff,

v.

GMAC MORTGAGE USA  
 CORPORATION, A/K/A GMAC  
 MORTGAGE, LLC, a Delaware  
 corporation; MORTGAGE ELECTRONIC  
 REGISTRATION SYSTEMS, INC., a  
 Delaware corporation; EXECUTIVE  
 TRUSTEE SERVICES, LLC, a Delaware  
 limited liability company; GREENPOINT  
 MORTGAGE FUNDING, INC., a New  
 York corporation; ANDRUS &  
 ASSOCIATES, INC., a California  
 corporation; PAUL RAY ANDRUS,  
 individually and in his official capacity;  
 HOMECOMINGS FINANCIAL, LLC, a  
 Delaware limited liability company;  
 COUNTRYWIDE HOME LOANS, INC., a  
 New York corporation; SOUTH PACIFIC  
 FINANCIAL CORPORATION, a  
 California corporation; RESIDENTIAL  
 MORTGAGE CAPITAL, D/B/A FIRST

Case No.: C08-01972-JW-HRL

**REQUEST FOR ENTRY OF  
 DEFAULT AGAINST  
 DEFENDANT, LUIS G. BARRIOS**

1 SECURITY LOAN; a California  
2 corporation; JAMES JOHN CHAPMAN,  
3 individually and in his official capacity;  
4 LUIS G. BARRIOS, individually and in his  
5 official capacity; ELIZABETH P.  
6 CAMPOS, individually and in her official  
7 capacity; and DOES 1 through 20,  
8 inclusive,

Defendants.

TO: CLERK OF THE DISTRICT COURT:

9 Please enter a default in this matter against Defendant, LUIS G. BARRIOS, on the ground that  
10 said party has failed to plead or otherwise defend this action within the time prescribed by the Federal  
11 Rules of Civil Procedure. Specific facts supporting the entry of default are set forth in the  
12 accompanying declaration of counsel.  
13

14 Dated: June 27, 2008

By: /s/ Fred W. Schwinn

Fred W. Schwinn (SBN 225575)

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Case No.: C08-01972-JW-HRL

**DECLARATION OF COUNSEL  
IN SUPPORT OF REQUEST FOR  
ENTRY OF DEFAULT AGAINST  
DEFENDANT, LUIS G. BARRIOS**

1 SECURITY LOAN; a California  
2 corporation; JAMES JOHN CHAPMAN,  
3 individually and in his official capacity;  
4 LUIS G. BARRIOS, individually and in his  
5 official capacity; ELIZABETH P.  
6 CAMPOS, individually and in her official  
7 capacity; and DOES 1 through 20,  
8 inclusive,  
9  
10 Defendants.

11  
12 FRED W. SCHWINN, hereby declares under penalty of perjury, pursuant to 28 U.S.C. §  
13 1746, that the following statements are true and correct:

14 1. I am an attorney and counselor at law, duly admitted to practice before this  
15 Court, and the counsel of record for Plaintiff. In my capacity as the counsel of record for Plaintiff, I  
16 have personal knowledge of the matters stated in this declaration.

17 2. I hereby make application to the Clerk of this Court for entry of default as to  
18 Defendant, LUIS G. BARRIOS, pursuant to Rule 55(a), Federal Rules of Civil Procedure, and in  
19 support of this application do show that:

20 a. Defendant was personally served with copies of Plaintiff's Summons and  
21 Complaint on May 5, 2008, as authorized by California Code of Civil Procedure § 415.10 and Rule 4(c)  
22 (1), Federal Rules of Civil Procedure;

23 b. Upon Plaintiff's information and belief, Defendant, being an individual  
24 with his principal place of business in Fremont, California, is neither an infant nor an incompetent  
25 person requiring special service in accordance with Rule 4(g), Federal Rules of Civil Procedure, and is  
26 not serving with the armed forces of the United States entitled to the protection of 50 U.S.C. § 520;

27 c. Defendant has neither answered nor otherwise responded formally to  
28 Plaintiff's Summons and Complaint, and the time to do so, as provided in Rule 12(a), Federal Rules of

1 Civil Procedure, has expired;

2 d. Copies of this Declaration and the Request for Entry of Default, seeking  
3 entry of default, which are being filed herewith, have this date been served upon Defendant by regular  
4 mail, postage prepaid.  
5

6 Executed on June 27, 2008, at San Jose, California.

7 By: /s/ Fred W. Schwinn

8 Fred W. Schwinn (SBN 225575)  
9 CONSUMER LAW CENTER, INC.

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17 Attorneys for Plaintiff

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MORTGAGE CAPITAL, D/B/A FIRST

Case No.: C08-01972-JW-HRL

**CERTIFICATE OF SERVICE  
BY MAIL**

SECURITY LOAN; a California corporation; JAMES JOHN CHAPMAN, individually and in his official capacity; LUIS G. BARRIOS, individually and in his official capacity; ELIZABETH P. CAMPOS, individually and in her official capacity; and DOES 1 through 20, inclusive,  
Defendants.

STATE OF CALIFORNIA )  
) ss:  
COUNTY OF SANTA CLARA )

I am employed in the County of Santa Clara, California. I am over the age of eighteen years and not a party to the within entitled cause. My business address is 12 South First Street, Suite 1014, San Jose, California 95113-2418. On June 27, 2008, I served the following:

1. REQUEST FOR ENTRY OF DEFAULT AGAINST DEFENDANT, LUIS G. BARRIOS
2. DECLARATION OF COUNSEL IN SUPPORT OF ENTRY OF DEFAULT AGAINST DEFENDANT, LUIS G. BARRIOS

on the interested parties in said cause, by placing a true and correct copy thereof in a sealed envelope with postage fully prepaid thereon and depositing it in the United States mail at San Jose, California addressed as follows:

**DEFENDANT:**

Luis G. Barrios  
Andrus & Associates, Inc.  
39650 Liberty Street, Suite 410  
Fremont, CA 94538-2261

**DEFENDANT:**

Luis G. Barrios  
235 Reflections Drive, #16  
San Ramon, CA 94583-4734

1 I declare under penalty of perjury that the foregoing is true and correct and that this declaration  
2 was executed at San Jose, California on June 27, 2008.

3  
4 /s/ Fred W. Schwinn  
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